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REMARKS

Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and is believed to place the present application in condition for immediate allowance.

Claims 1, 3-17, 19-33, 35, and 36 are all the claims presently pending in the application.

Applicant gratefully acknowledges that claims 1, 3, 27, and 29 contain allowable subject matter.

Applicant gratefully acknowledges that in the telephone interview conducted on October 13, 2004, the Examiner kindly confirmed that claims 4-17, 19-26, 28, 30-33, 35, and 36 (which are not rejected on prior art grounds) also should be allowable if the rejections under 35 U.S.C. § 112 are overcome.

Claims 1, 4-6, 8, 9, 19-30, 32, 35, and 36 have been amended to define more clearly the features of the invention, thereby obviating the claim objections and overcoming the claim rejections under 35 U.S.C. § 112, as discussed below.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 26, 30, and 36 stand rejected under 35 U.S.C. § 112, first paragraph, and claims 4-25, 28, and 30-35 stand rejected under 35 U.S.C. § 112, second paragraph.

Claim 18 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Davidovici, et al. (U.S. Patent No. 6,393,049 B1; hereinafter "Davidovici").

These rejections are respectfully traversed in the following discussion.

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I. STATEMENT OF SUBSTANCE OF TELEPHONE INTERVIEW

Applicant's representative thanks the Examiner for courtesies extended in the telephone interview conducted on October 13, 2004, in regard to the above application. In the interview, the Examiner kindly confirmed that claims 4-17, 19-26, 28, and 30-36 (which stand rejected only under U.S.C. § 112, first and second paragraph) should be allowable if the § 112 rejections are overcome.

For the following reasons, Applicant respectfully submits that the rejections of these claims under 35 U.S.C. § 112 should be overcome, and further, that the objections to the claims should be obviated. Thus, claims 4-17, 19-26, 28, and 30-36 should be in condition for immediate allowance.

II. THE 35 U.S.C. §112, FIRST PARAGRAPH REJECTION

Claims 26, 30, and 36 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

With respect to claim 26, Applicant respectfully disagrees.

Applicant notes that the specification clearly describes in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed had possession of the claimed invention, including "a correlator comprising: a first sub-correlator... and a comparator..., and a second sub-correlator", as claimed in claim 26.

For example, the specification describes a first sub-correlator and a second sub-correlator with a comparator (e.g., see specification at page 28, lines 5-17; see also Figure 6). The specification also describes that the second sub-correlator (e.g., sub-correlator 20 in Figure 1(a); see specification at page 12, lines 21-27) is capable of including a plurality of second sub-correlators (e.g., sub-correlators 20 and 30 in Figure 1(b); see specification at page 13, lines 21-29, and page 14, line 1).

With respect to claim 30, claim 30 is amended to define more clearly the features of the invention, thereby overcoming this rejection.

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With respect to claim 36, claim 36 is amended to define more clearly the features of the invention, thereby overcoming this rejection.

Applicant submits that the specification clearly describes in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the invention as defined in all of the pending claims of the present application.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Since no prior art rejections have been raised with respect to claims 26, 30, and 36, Applicant submits that claims 26, 30, and 36 are in condition for immediate allowance.

III. THE 35 USC §112, SECOND PARAGRAPH REJECTION

Claims 4-25, 28, and 30-35 stand rejected under 35 U.S.C. §112, second paragraph. The claims have been amended to define more clearly the features of the present invention.

Applicants submit that a person of ordinary skill in the art clearly would know the metes and bounds of the subject matter of claims 4-25, 28, and 30-35.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Since no prior art rejections have been raised with respect to claims 4-25, 28, and 30-35, Applicant submits that claims 4-25, 28, and 30-35 are in condition for immediate allowance.

IV. THE PRIOR ART REJECTION

Claim 18 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Davidovici.

While Applicant asserts that claim 18 is patentable over the prior art of record, to speed prosecution, claim 18 has been canceled without prejudice or disclaimer.

Therefore, the rejection of claim 18 has been rendered moot.

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V. FORMAL MATTERS AND CONCLUSION

The Office Action objects to the drawings as not showing every feature of the invention specified in the claims.

With respect to claim 1, Applicant submits that the claimed “first sub-correlator providing a correlation value output to a plurality of second sub-correlators” clearly is shown in Figures 1(a)-(b) and described in the specification at page 14, lines 24-29 and page 15, line 1).

With respect to claims 3, 10, and 11, Applicant submits that the claimed “maximum detecting means” clearly is described in the original specification, for example, at page 26, lines 9-14. Applicant amends Figure 2 herewith to illustrate the maximum detecting circuit 1000 as disclosed in the original application. No new matter is added. The specification correspondingly is amended to include the reference numeral for this feature.

Applicant notes that the maximum detecting circuit 1000 is an exemplary aspect of the claimed “maximum detecting means”.

With respect to claim 35, Applicant submits that the claimed “means for receiving... and outputting a maximum” clearly is an exemplary aspect of the maximum detecting circuit 1000, as described in the specification, for example, at page 26, lines 9-14.

For the foregoing reasons, the Examiner is requested to withdraw the drawing objections.

The Office Action objects to the specification at page 26, lines 12-14 because the sentence allegedly is grammatically awkward. The specification is amended to obviate this objection. Therefore, the Examiner is requested to withdraw this objection.

The Office Action objects to the claims. Applicant submits that the claims are amended to obviate these objections. Therefore, the Examiner is requested to withdraw this objection.

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In view of the foregoing, Applicant submits that claims 1, 3-17, 19-33, 35, and 36, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: October 28, 2004



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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Betsy Lee Deppe on October 28, 2004.


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